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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/15/2003

Taekyun Kim

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21839 7590 05/28/2008
BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

YUAN, KATHLEEN S

ART UNIT

PAPER NUMBER

2624

NOTIFICATION DATE

DELIVERY MODE

05/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/16/2008 have been fully considered but they are not persuasive. The applicant provides new amendments to the claims, and arguments to the amendments, that require further consideration/ search.
2. The applicant also provides comments regarding the interview made. The applicant alleges that the examiner notified the applicant of a basis of rejection for the first time in the interview. This is not true. The basis of rejection is the same; the examiner simply pieced out to the applicant what is known to one of ordinary skill in the art and went through the prior art to make sure the applicant fully comprehended the prior art. The basis of rejection was provided in the previous rejections, and any modifications to the words in the final rejection dated 3/6/2008 were only added in order to aid in reminding the applicant what was discussed, and to help the applicant understand the prior art.
3. The applicant further submits that the action was prematurely made final since new grounds of rejection were introduced that were not necessitated by the amendment. The applicant further argues that new evidence was introduced in the interview that the applicant could not previously react to, and that the interview summary reflects this. As explained above, the examiner has not introduced new grounds of rejection. The applicant did not amend any of the claims, and the examiner maintained the same rejection, adding a few words to help the applicant understand the prior art. No new grounds were submitted in the interview, only an explanation of the

prior art and a review of the mapping of the claims to the prior art provided in the previous rejections. Therefore, the applicant had the opportunity to react to the previous rejections in all the previous replies that the applicant has submitted. The interview summary further supports this when stating that the substance of the interview was to review the previous rejections made.

4. It is noted that the applicant did not amend the claims after RCE, and therefore was not further seeking to define the invention, since the claims were the same. This is precisely what the MPEP states as the grounds for a first action final in the form paragraph 7.42.09, "All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.” Further support can be found in 37 CFR 1.113, “Switching from one subject matter to another in the claims presented by applicant in successive amendments, or from one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the application or a final rejection” and “it is to the interest of the applicants as a class as well as to that of the public that prosecution of an application be confined to as few actions as is consistent with a thorough consideration of its merits.” The examiner provided the same rejection, repeatedly, and thoroughly considered the merits that the applicant had provided. Therefore, the final rejection was proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN S. YUAN whose telephone number is (571)272-2902. The examiner can normally be reached on Monday to Thursdays, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Bhavesh Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

KY
5/20/2008